

ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM CLARK,
PLAINTIFF

NO. 1:CV-01-0764

(JUDGE CALDWELL)

VS.

FILED
HARRISBURG, PA

AUG 06 2002

MARTIN HORN, ET AL.,
DEFENDANTS

MARY E. D'ANDREA, CLERK
Per 9/8
Deputy Clerk

PLAINTIFFS MOTION OF OPPOSITION TO CORRECTIONS
DEFENDANTS MOTION FOR ENLARGEMENT OF TIME TO FILE THEIR BRIEF
IN-OPPOSITION TO PLAINTIFFS MOTION FOR SANCTIONS

NOW COMES PLAINTIFF, WILLIAM CLARK, AND RESPECTFULLY
REQUESTS THIS HONORABLE COURT: DENY CORRECTIONS DEFENDANTS
"ENLARGEMENT OF TIME" AND GRANT THIS "MOTION OF OPPOSITION".

STATEMENT OF CASE

A. IDENTITY OF THE PARTIES:

PLAINTIFF WILLIAM CLARK IS CURRENTLY AT THE STATE CORRECT-
IONAL INSTITUTION AT ROCKVIEW.

THE DEPARTMENT OF CORRECTIONS EMPLOYEES NAMED AS DEFEND-
ANTS ("CORRECTIONS DEFENDANTS") ARE "MARTIN HORN, ROBERT MEYERS
AND LARRY LIDGETT", BY AND THROUGH THEIR ATTORNEY, JOHN J.
TALABER, ASSISTANT COUNSEL FOR THE DEPARTMENT OF CORRECTIONS.

ADDITIONAL DEFENDANTS, NAMED "WEXFORD HEALTH SOURCES, INC.",
AND "WEXFORD MEDICAL DIRECTOR, DR. JOHN SYMONS", ("WEXFORD
DEFENDANTS"), BY AND THROUGH THEIR ATTORNEY, JAMES D. YOUNG, ESQ.

B. RELEVANT PROCEDURAL HISTORY:

PLAINTIFF, FOR ECONOMY, WOULD ASK THE COURT TO REFER TO

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"MOTION TO IMPOSE SANCTION (DOC. 56) FILED ON JULY 17, 2002.

ON JULY 29, 2002, CORRECTIONS DEFENDANTS FILED THE FOLLOWING:

1. MOTION FOR DISCOVERY AND DISPOSITIVE DEADLINES.
2. MOTION FOR AN ENLARGEMENT OF TIME TO RESPOND TO PLAINTIFFS INTERROGATORIES NUNC PRO TUNC.
3. MOTION FOR AN ENLARGEMENT OF TIME TO FILE THEIR BRIEF IN OPPOSITION TO PLAINTIFFS MOTION TO COMPEL NUNC PRO TUNC.
4. MOTION TO WITHDRAW THEIR MOTION FOR SUMMARY JUDGEMENT.
5. JOINT MOTION AND BRIEF IN SUPPORT FOR LEAVE TO DEPOSE PRISONER.
6. MOTION FOR AN ENLARGEMENT OF TIME TO FILE THEIR BRIEF IN OPPOSITION TO PLAINTIFFS MOTION FOR SANCTIONS.

THIS PRESENT "MOTION OF OPPOSITION TO CORRECTIONS DEFENDANTS MOTION FOR ENLARGEMENT OF TIME" FOLLOWS, AND "BRIEF IN SUPPORT" THEREOF.

SINCE JANUARY, 2, 2002, PLAINTIFF AVERS HE HAS BEEN TRYING TO OBTAIN DISCOVERY GUARANTEED BY RULE 26, "GENERAL PROVISIONS GOVERNING DISCOVERY; DUTY OF DISCLOSURE"; RULE 33, INTERROGATORIES TO PARTIES (a)-(c); RULE 34, "PRODUCTION OF DOCUMENTS" (a)-(c), RULE 37.

"CORRECTIONS DEFENDANTS" ARE IN DEFAULT OF COURT ORDER OF MAY 20, 2002, AS WELL AS OTHER FILINGS.

PLAINTIFF'S PENDING "MOTION TO COMPEL" FILED JUNE 2, 2002 AND "MOTION TO IMPOSE SANCTIONS" FILED JULY 17, 2002 ~~OUTLINE~~ PREJUDICE AND THE DISADVANTAGE CREATED BY "CORRECTIONS DEFENDANTS" IN THEIR ACTIONS AND INACTIONS, AND THE ABUSE IN THESE PROCEEDINGS.

"CORRECTIONS DEFENDANTS" TRACK RECORD OF "ENLARGEMENT OF TIME" FOR INTERROGATORIES AS WELL AS OTHER "FLANKING MANEUVERS" EXPOSE THEIR STRATAGEM THROUGHOUT THESE PROCEEDINGS. THEIR PRESENT ACTIONS ARE A REPEAT PRESENTATION.

PLAINTIFF HAS IN "GOOD FAITH" ATTEMPTED, AS OUTLINED IN "MOTION TO COMPEL" FILED JUNE 2, 2002 AND "BRIEF IN SUPPORT" THEREOF, FILED JUNE 11, 2002, ~~TO CONFER AND SECURE WITHOUT COURT~~ ACTION THAT WHICH HE HAS BEEN COMPELLED TO FILE THEREAFTER.

ACCORDING TO RULE 37(b)(2)(b),(c),(d)-PLAINTIFF SEEKS SPECIAL RELIEF AGAINST "CORRECTIONS DEFENDANTS" RECENT ABUSES, UNDER 37 (b)(2)(c).

WHEREFOR PLAINTIFF REQUESTS THIS HONORABLE COURT:

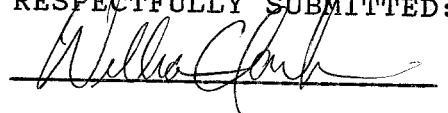
- 1) DENIES "CORRECTIONS DEFENDANTS" MOTION FOR ENLARGEMENT OF TIME.
- 2) GRANTS PLAINTIFFS MOTION TO COMPEL DISCOVERY.
- 3) GRANTS PLAINTIFFS MOTION FOR SANCTIONS.
- 4) DISMISSES **ALL** "CORRECTIONS DEFENDANTS" MOTIONS FILED ON MAY 29, 2002.
- 5) FINDS "CORRECTIONS DEFENDANTS" IN DEFAULT OF THESE PROCEEDINGS FOR THIS MOST RECENT ABUSE.

PLAINTIFF ALSO REQUESTS THAT THIS HONORABLE COURT EXPEDITE THE DISPOSITION OF PLAINTIFFS PENDING MOTIONS.

WHEREFOR, PLAINTIFF RESPECTFULLY REQUESTS THIS HONORABLE COURT GRANT **ALL** HIS REQUESTS AND MOTIONS, OR GRANT SUCH RELIEF TO PLAINTIFF APPROPRIATE AS THIS HONORABLE COURT FEELS IS WARRANTED AND NECESSARY TO PRESERVE THE INTEGRITY OF THESE PROCEEDINGS.

DATE MAILED: 8/4/02

RESPECTFULLY SUBMITTED:



WILLIAM CLARK, PRO SE